

MT LEGISLATIVE HISTORY

Chapter 375 19 73

Bill H 444 S _____

Original bill & hist. C

H. Committee on Lab & Emp. Rel.

S. Committee on Same

Hearing Date(s) C

Hearing Date(s) 2/15 C

 C

 C

 C

 C

 C

 C

Date Out C

 C

Did this bill originate in an interim committee? Yes No

Committee

Report

Original bills and minutes are located at the Montana Historical Society, 406-444-2681.

SENATE BILLS

HOUSE BILLS

No.	Date Rec.	Title	Author	Date Act.	Type Act.	No.	Date Rec.	Title	Author	Date Act.	Type Act.
48	1/2	Safety & Health	Siderius		Held	104	1/29	Base period & benefit year. Amendments	Baucus,	Do	
99	1/11	Hoisting Engrs.	Lowe & Boylan			115	1/29	Period of Cov. & Election for coverage	Lombardi,	Do	
113	1/13	"Employer"	Lowe & Siderius	2/5	Pass	150	2/1	Ment. & Nerv. system Injury without trauma	McKittrick	Pass	
114	1/13	Hospitals	Siderius	2/5	Not Pass	69	2/6	Vac. Benefits	Norman	Not	
115	1/13	Ext. of Coverage	Siderius	2/5	Pass	293	2/9	Waiver of requirements in filing of claim	Bennetts	Pass	
116	1/13	Repealing Secs.	Lowe & Siderius	2/5	Pass	145	2/10	Board of Appeals	Brand		
117	1/13	Def. of Insurer	Lowe & Siderius	2/5	Pass	214	2/13	Incrs. in maximum weekly benefits	Kessner	Amended	
118	1/13	Temp. total Disab.	Siderius	2/5	Pass	43	2/12	Incrs. in time to recover penalties	McKittrick		
119	1/13	Perm. Part. Disab.	Lowe & Siderius	2/5	Pass	344	2/15	Pens. adjustment	Lee	As	
120	1/13	Perm. total Disab.	Keenan & Siderius	2/5	Pass	357	2/15	Exempt from disqualification	Towe	Ref. to St. Adm.	
121	1/13	Def. of Wages	Keenan & Siderius	2/5	Pass	372	2/15	Women reach fullest potential	Passbender		
122	1/13	Inj. prod. partial Disability	McKeon	2/5	Pass	444	2/15	Montana residents pref'd. pub. labor	McKittrick		
123	1/13	Inj. prod. perm. Dis	McKeon & Siderius	2/5	Pass	488	2/17	Job. protect. for railroad employees	Brand		
124	1/13	Exempted Employm.	Siderius	2/5	Pass	358	2/17	Change disqualifying Retirement income	Kimble		
125	1/13	'Indep. Contractor'	Siderius	2/5	Pass	279	2/17	Minim. wage be excl. of gratuities	Lynch		
126	1/13	Med. & Hosp. Services Apprvd.	McKeon	2/5	Pass	121	2/17	Incrs. in silicosis benefits payments	Hall		
127	1/13	Elect. of Employers & Employees	McKeon	2/	Pass	176	2/21	Allow 180 days for public officer	Lynch		
128	1/13	"Av. Weekly Wage"	Bertsche & Siderius	2/5	Pass	445	2/22	Unlawful to disch. without just cause.	Lee		
129	1/13	Inj. prod. temp. Disability	McKeon & Siderius	2/5	Pass				Brand		
130	1/13	Inj. causing Death	McKeon & Siderius	2/5	Pass				Kimble		
131	1/13	Nonexem. employm.	Keenan & Siderius	2/5	Pass						

February 7, 1973

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Wednesday, February 7, 1973 at 10:30 a.m. in Room 428A with Chairman Pat McKittrick presiding. All members were present except Reps. Ellerd, Lombardi, excused, and Flynn, absent.

HOUSE BILL # 444 -- SPONSOR: Rep. Swanberg explained that the bill attempted to amend section 41-701, R.C.M. 1947. The bill wants to give preference to bona fide Montana residents in the area of state employment. PROPONENTS: R. L. Rampy -- statement attached. Joe Rossman, Teamsters Union -- Can't see why the word "services" wasn't included in the bill originally. Jim Murry, AFL-CIO -- arose in support of the bill. No opponents. Questions followed.

HOUSE BILL #'s 357, 358 -- SPONSORS: Reps. Lynch and Lee: Hearings were taken in conjunction on these bills as they were similar. Rep. Lynch introduced Mr. Fred Barrett, who then gave a short background on both bills. Several amendments were offered on HB 357, approved by the Employment Security Advisory Council. Three persons were disqualified from unemployment insurance benefits within the last year because they did not get the job they left their other job for, and had thought they would get. HB 358 -- Rick Mahoney left some material for the Committee's consideration in support of Hb 157. OPPONENTS: Chad Smith-- representing Unemployment Compensation Advisors -- The small business man is in opposition to these bills. Unemployment compensation is not designed to cover such areas. Similar bills have been defeated in the past years. Friends could get together and take advantage of this law if enacted. HB 358 deals with the creation of an artificial situation. It doesn't prevent an employee from earning wage credits on another job and drawing from those on his retirement also. P. L. MacDonald, Anaconda Company, was on the Advisory Council Mr. Barrett mentioned. Section 1, page 2, HB 357 -- is ambiguous and hard to enforce. Del Siewert, Montana C of C, is opposed to both of the bills because they are inconsistent with the law. Chad Smith then pointed out that a difference in retirement benefits could mean whether all or no unemployment benefits. Questions followed. Witnesses were excused.

HOUSE BILL # 488 -- SPONSOR: Rep. Joe Brand -- statement attached. James T. Mular, Brotherhood of Railways and Airline Clerks -- statement attached. Lou Boedecker, Pub. Service Commission -- statement attached. Ken D. Clark, United Transportation Union -- arose in support of the bill. Rep. Brand closed by offering the amendment that in lieu of "on" "an" be inserted on line 23, page 1. OPPONENTS: Ward Shanahan, Mont. Railroad Assoc., -- statement attached. This bill would require an agreement between the employees and the Railroad. P. S. Griffith, Burlington Northern Inc., -- There are already protective agreements in existence covering almost all of the employees. In Montana there are approximately 136 employees that would be involved at the smaller stations where there would be a possibility of closure. What they already have is more far-reaching than this proposed



Joint Council of Teamsters No. 23

AFFILIATED WITH I. R. OF T. C. W. & A. H. OF AMERICA
AND WESTERN CONFERENCE OF TEAMSTERS

Office 412 East Mendenhall
Butte, Montana 59715



OFFICERS
R. L. CAMPY - President
J. ROSSMAN - Vice President
L. MCCORMACK - Secretary-Treasurer
HALL CONVEN JR. - Recording Secretary
P. O. Box 1045

R. L. CAMPY - Representative
J. ROSSMAN - Trustee
L. MCCORMACK - Trustee
ADAM BYERS - Trustee
Phone 587-1801
Area Code 406

HOUSE BILL NO. 444

I appear before this committee in favor of and support
House Bill No. 444, by including the word "Services" in
Public Labor for which Mont Residents are to be performed.

The present law provides that contracts let for heavy highway
or municipal construction, repair and maintenance work under any
law of this state, shall give preference to the employment of
Mont residents, must further pay the standard prevailing rate of
wages including fringe benefits for health and welfare, pension
contributions and travel allowances in effect in the county or
locality where the work is being performed.

I want to bring out that the contract let covers only heavy highway
or municipal construction, repair and maintenance work but does
not include services.

We feel that the people who may be employed in the service field
and a contract is let by the state, county, municipal or school
should have the same protection as those ^{employed} in the work I
mentioned above.

I urge your support of this bill. Thank You

R. L. Campy

February 8, 1973

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Thursday, February 8, 1973 on adjournment of the House in Room 428A with Chairman Pat McKittrick presiding. All members were present except Reps. Lombardi and Lee, who were excused, and Rep. Ellerd.

No bill hearings took place. The following action was taken:

HOUSE BILL # 279: Rep. Tierney moved that it DO PASS; Rep. Hodges seconded the motion. Discussion followed; motion carried unanimously.

HB # 444: Rep. Baeth moved that it DO PASS; Rep. Hodges seconded the motion. Discussion followed; motion carried. Those opposed: Reps. East, Turner and Bell.

HB # 344: Rep. Tierney moved that it DO PASS; Rep. Hodges seconded the motion. Discussion followed and the motion was then carried. Those opposed were Reps. East and Turner. McKittrick abstained.

HB # 345: Rep. Hodges moved that it be HELD OVER UNTIL 1974. Rep. Bell seconded the motion. Motion carried unanimously.

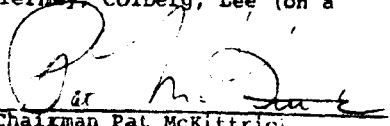
HB # 357: Rep. Baeth moved that it DO PASS. Motion seconded by Rep. Kimble; discussion followed. Motion carried; those opposed were Reps. East, Turner, Flynn and Bell.

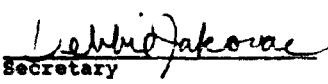
HB # 358: Rep. Bell moved that it DO PASS. Rep. Turman seconded the motion. Discussion followed. Motion carried with East voting no.

HB # 194: Subcommittee report: Both proponents and opponents of the bill were in agreement that this bill should not have any action taken on it until next session. Rep. Turner then moved and Rep. Colberg seconded that action be deferred on the bill. Motion carried unanimously.

HB # 488: Rep. Turman moved that it DO NOT PASS; seconded by Turner. Discussion followed. Motion failed. Those in favor of the motion were Reps. Colberg, Turman, East, Flynn, Bell and Turner (paired with Lee). Those opposed to the motion: Reps. Tierney, Bennetts, Baeth, Hodges, Kimble and McKittrick. Rep. Colberg then moved that it DO PASS. Seconded by Rep. Bell. Motion carried; those opposed were Reps. Turman, Turner (who paired with Lee), East, Bell, and Flynn. Rep. Hodges, Baeth, Bennetts, Tierney, Colberg, Lee (on a paired vote), Kimble and McKittrick.

Meeting was adjourned.


Chairman Pat McKittrick


Secretary

MINUTES OF MEETING OF THE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
STATE SENATE

The meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius, February 28, 1973 at 12:00 noon, Room 402 of the State Capitol Building.

ROLL CALL: All members present

CONSIDERATION OF HOUSE BILL 445:

Representative Kimble appeared before the Committee in support of HB 445:

Proponents of this bill:

Tony Softich, Labor Standards Division of the Department of
Labor and Industry
Ernie Post, Staff Representative, Montana State AFL-CIO

Opponents to this bill:

Fred Caruso
Darrell H. Tea, National Electrical Contractors' Association

Mr. Softich closed his testimony in favor of this bill.

Discussion period followed the testimony.

CONSIDERATION OF HOUSE BILL 444:

No one appeared before the Committee to explain this bill.

Proponents of the bill:

Joe Rossman, Teamsters Union
Ernie Post, Staff Representative, Montana State AFL-CIO

No opponents were present.

Short discussion held on this bill.

CONSIDERATION OF HOUSE BILL 372:

Representative Barbara Bennetts appeared before this Committee and introduced the various persons that were to testify, including Senator Gilfeather who will carry this legislation on the floor.

Proponents of the bill:

Tony Softich, Labor Standards Division
Mary Munger, Advisory Council on the Status of Women
Ernie Post, Montana State AFL-CIO

MINUTES OF MEETING OF THE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
STATE SENATE

The meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius, March 5, 1973, at 12:30 in room 402 of the State Capitol Building.

ROLL CALL: All members present.

CONSIDERATION OF HOUSE BILL 357:

Senator McNamer moved to amend the title of the bill by striking the words "OR TO ACCEPT BETTER EMPLOYMENT", and to further amend subsection (1), page 2, lines 1, 2, and 3 by striking them in their entirety and to further amend page 2, line 4 by renumbering subsection (2) to read (1). Motion seconded. Motion carried.

Senator McNamer moved, seconded by Senator Lowe that HB 357 Be Concurred In As Amended. Motion carried.

CONSIDERATION OF HOUSE BILL 358:

Senator Bertsche moved, seconded by Senator Bennett that HB 358 Be Concurred In. Motion carried.

CONSIDERATION OF HOUSE BILL 214:

Senator Lowe moved to amend House Bill 214 on page 3, line 1 after the word "by" by inserting the word "all" and further amend page 3, line 3 after the word "individuals" by inserting the word "employed" and further amend page 3, line 4 by striking the words "performing services in such employment". Amendments seconded by Senator Keenan. Motion carried.

Senator McNamer offered an amendment on page 3, line 9 by striking the words and figure fifty percent (50%) and inserting in lieu thereof the following words and figures "forty-five percent (45%)". Motion failed.

Senator Bertsche moved, seconded by Senator Keenan that HB 214 Be Concurred In As Amended. Motion carried.

CONSIDERATION OF HOUSE BILL 444:

Senator Lowe moved that HB 444 Be Not Concurred In. Substitute motion made that HB 444 Be Concurred In. Motion carried. Senator Lowe withdrew his motion.

CONSIDERATION OF HOUSE BILL 488:

Senator Lowe moved that HB 488 Be Not Concurred In. Senator Shea submitted a substitute motion that HB 488 Be Concurred In, seconded by Senator Flynn. Motion carried. Senators Bennett, Lowe and McNamer opposing.

Said Board, Increasing Their Terms of Office and Changing the Manner of Their Selection.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 66-2804, R.C.M. 1947, is amended to read as follows:

"66-2804. *Board of electricians.* There is hereby established a board of electricians. *The board of electricians shall consist of five (5) members, appointed by the governor, with the consent of the senate, who shall be residents of the state of Montana. One (1) member of the board shall represent the public. One (1) member of the board shall be selected from each of the following four (4) groups, each of which will be selected from three (3) names submitted by each of the following groups:*

- (1) consumer members of rural electric cooperatives;*
- (2) master licensed electrical contractor;*
- (3) licensed journeyman electricians; and*
- (4) investor-owned electric utilities.*

The members of the board shall be appointed within twenty (20) days after the effective date of this act for one (1), two (2), three (3), four (4) and five (5) years, respectively, as determined by the governor. *Thereafter, the members of the board shall serve for a term of five (5) years with their terms of office so arranged that one (1) term and only one (1) term shall expire on July 1 of each year.*

Any vacancy occurring in the membership of the board shall be filled by the governor by appointment for the unexpired term of such member. Each member of the board shall receive *twenty-five dollars (\$25) per day for each day served in the discharge of his duties, together with the actual and necessary expenses incurred in the performance of his duties, all to be paid out of the electricians' fund herein created. A majority of the members of the board of electricians shall constitute a quorum for transaction of business."*

Approved: March 19, 1973.

CHAPTER NO. 375

An Act to Amend Section 41-701, R.C.M. 1947, by Including Services in Public Labor for which Montana Residents are to be Preferred.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 41-701, R.C.M. 1947, is amended to read as follows:

"41-701. Preference of Montana labor in public works — wage scale — not to conflict with federal statutes. In all contracts hereafter let for state, county, municipal, school, heavy highway or municipal construction, *services*, repair and maintenance work under any of the laws of this state there shall be inserted in each of said contracts a provision by which the contractor must give preference to the employment of bona fide Montana residents in the performance of said work, and that the said contractor must further pay the standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions in effect and applicable to the county or locality in which the work is being performed. "Standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions, applicable to the county or locality in which the work is being performed," means those wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions which are paid in the county or locality by other contractors for work of a similar character performed in that county or locality by each craft, classification or type of workman needed to complete a contract under this act. When work of a similar character is not being performed in the county or locality, the standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions shall be those rates established by collective bargaining agreements in effect in the county or locality for each craft, classification or type of workman needed to complete the contract. No contract shall be let to any person, firm, association or corporation refusing to execute an agreement with the above-mentioned provisions in it; provided that, in contracts involving the expenditure of federal aid funds this act shall not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged soldiers, sailors and marines, and prohibiting as unlawful any other preference or discrimination among citizens of the United States. All public works contracts under this act shall be approved in writing by the legal adviser of the contracting state, county, municipal corporation, school district, assessment district or special improvement district body or officer prior to execution by the contracting public officer or officers. The Montana commissioner of labor and industry shall undertake to keep and maintain copies of col-

lective bargaining agreements and other information from which rates and jurisdictional areas applicable to public works contracts under this act may be ascertained. Whenever the employer is not signatory party to a collective bargaining agreement, those moneys designated as negotiated fringe benefits shall be paid to the employee as wages."

Approved: March 19, 1973.

CHAPTER NO. 376

An Act Implmenting Article II, Section 28, Article IV, Sections 2 and 4, and Article XII, Section 3 (2) of the 1972 Montana Constitution and H.B. 28 of this Session Providing the Term "Of Unsound Mind" to Include Other Like Terms in the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is a new section to be added at the beginning of chapter 7, title 38, R.C.M. 1947, reading as follows:

Any reference to the terms "insane" person, "incompetent" person, a person with a "mental disease or defect," persons "disordered in mind," persons "unable to handle their own affairs," persons "feeble minded, moron, imbecile, idiot and mentally deranged," and all other like references in the Revised Codes of Montana, 1947, mean "of unsound mind."

Approved: March 19, 1973.

CHAPTER NO. 377

An Act to Provide for Job Protection for Railroad Employees Affected by Closure of Railroad Stations and Facilities.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever any railroad, as defined in section 72-115 is granted the authority to close a railroad station or facility by order of the public service commission, it shall be incumbent on the commission to require employee protection. Before the commission may approve closure of a station or facility, it shall require from the railroad an agreement to protect employees affected by the closure by providing jobs equal in nature and pay to the job held by the employee for the six (6) months prior to such closure. The equal job and pay agreement must be in